



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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BULLETIN NO. 87-18

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Apportionment Under a Continuing Resolution

1. Purpose. This Bulletin provides guidance and instructions for the preparation and submission of requests to apportion amounts in the continuing resolution (H.J. Res. 362) that has been enacted to provide funding for the first forty-one days of FY 1988, and for the less than full year continuing resolutions that may be enacted.

2. Background. Unlike normal appropriations acts, continuing resolutions do not usually appropriate specified sums of money. Rather, they usually appropriate: (1) amounts as specified in other bills or reports; (2) amounts as specified in the President's budget estimates; or (3) such amounts as may be necessary for continuing projects or activities at a certain "rate" for operations. In addition, continuing resolutions do not usually provide funding for the full year. Hence, the amount available for the duration of the continuing resolution can be determined only by first calculating the amount representing the yearly rate of operations (i.e., the annualized level of the amount provided) and taking into consideration the period covered.

3. Coverage.

a. This Bulletin applies to amounts provided for all Executive Branch departments and agencies.

b. Instructions on budget execution provided in OMB Circular No. A-34, dated August 26, 1985, as supplemented by this Bulletin, apply to apportionment of the funds provided under a continuing resolution.

4. Definition of current rate. The current rate is the total funds that were available for obligation for a program during the previous fiscal year. For multi-year or no-year funds, when the Resolution specifies a rate of operation "not to exceed" or "not in excess of" the current rate, the annualized level of the amount appropriated is determined as follows:

- take the actual unobligated balance brought forward into FY 1987;
- subtract the unobligated balance carried forward into FY 1988; and then

- add (if positive) or subtract (if negative) the net amount to (or from) the amount appropriated for the account for FY 1987.

5. Policies on apportionment requirements and warrant requests. Amounts provided under a continuing resolution and limitations on direct loan and guaranteed loan activities under a continuing resolution will be apportioned whenever such amounts would be apportioned under a regular appropriation.

a. Enactment of the regular appropriation. Should the annual appropriation be enacted during the period covered by a continuing resolution, the department or agency will request apportionment or reapportionment in accordance with instructions in OMB Circular No. A-34.

b. Automatic apportionment. The lesser of the rate reflecting seasonal obligations or a pro rata share of the annualized level of the amount appropriated will be deemed to be realized and automatically apportioned, unless otherwise determined by OMB, or when the conditions in section 5(c) apply.

All conditions specified on the most recent prior apportionment, including those specified in footnotes, are continued under the automatic apportionment. An apportionment request must be submitted if the agency deems it necessary to revise or omit such conditions.

c. Written apportionment requests. Agencies are required to submit to OMB an apportionment request:

- (1) whenever required by OMB;
- (2) if, in the view of the agency, the appropriations estimated to be available would exceed the pro rata share of the annualized level of the amount provided by an interim continuing resolution; and
- (3) when the agency deems it necessary to change the conditions specified on prior apportionments or instructions.

d. Justification of apportionment. All apportionment requests submitted to OMB will include a written justification of the basis for the apportionment and supporting data. A justification for an apportionment exceeding the pro rata share could be that obligation rates are seasonal and/or have occurred for comparable time periods of prior years. The justification will identify the annualized level of the amount appropriated.

e. Clearance of amounts to be warranted. Agencies will obtain clearance from the Office of Management and Budget on the annualized level of the amount appropriated (not the pro rata share), including accounts automatically apportioned, before requesting warrants from the Department of the Treasury.

f. Preparation of the S.F. 132. When a continuing resolution is enacted to cover a limited period of time, generally the amount that it makes available is less than the annualized level of the amount appropriated. In accordance with section 45.1 of OMB Circular No. A-34, when apportionment requests are submitted, the annualized level is to be shown on line 1A, "Budget Authority: Appropriations Realized," of the S.F. 132. This amount will be net of amounts cancelled (i.e., rescinded or sequestered). On line 5, "Portion not available pursuant to P.L. 99-103," enter as a negative the difference between the annualized level (on line 1A) and the requested amount.

g. Preparation of the S.F. 133. Unobligated balances of amounts apportioned before and during a continuing resolution will be included on line 9A, "Unobligated balances available (Apportioned, category A)" or line 9B, "Unobligated balances available (Apportioned, category B)" of the Report on Budget Execution (S.F. 133), and not on line 9C, "Unobligated balances available (Other balances available)."

6. Agency responsibilities. Agencies with appropriations or funds made available and authority granted under a continuing resolution will:

a. Identify the amounts made available (or estimate the amounts not specifically stated) by the Resolution.

b. Submit a list of all accounts with amounts to be warranted. For each account provide the account title, the Treasury account symbol, and the annualized level of the amount appropriated. Also, in cases where the amount to be apportioned is greater than or less than the pro rata share, identify the amount to be apportioned.

c. Obtain clearance from the Office of Management and Budget on the annualized level of the amount appropriated before requesting warrants.

d. Seek appropriation warrants from the Treasury in amounts cleared by OMB.

e. Submit apportionment requests to OMB under the conditions specified in section 5.c. of this Bulletin and OMB Circular No. A-34.

7. Obligation of funds prior to approval of formal apportionment by OMB. Agencies may obligate funds necessary to continue normal operations prior to OMB approval of initial apportionments made under a continuing resolution but only up to the amount that would have been apportioned automatically as per paragraph 5 above.

If an agency obligates more than the amount automatically apportioned or approved by OMB, whichever applies, the head of the agency will report an Antideficiency Act violation and furnish the report through the Director of OMB to the President, and to the Congress. The report will contain the information specified by section 32 of OMB Circular No. A-34.

8. Information contact. For further information, agencies should contact their OMB examiner.

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